IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2955 of 1995

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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UKABHAIMOHANBHAIMAKWANA - Petitioner(s)

Versus

G S R T C - Respondent(s)

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Appearance :

MR MUKESH H RATHOD for Petitioner No(s).: 1.
MR NIRDOSH H RATHOD for Petitioner No(s).: 1.

MR HS MUNSHAW for Respondent No(s).: 1.

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CORAM :HON'BLE MR JUSTICE KS JHAVERI

Date : 05/07/2005

ORAL JUDGMENT

1.0 The petitioner has challenged the order dated 02.08.1994 passed by the Labour Court, Bhavnagar, in

Reference LCB No.239 of 1991, whereby the said reference was rejected.

2.0 The petitioner was working as a Conductor with the respondent Corporation. On 26.12.1989, while the petitioner was on duty, the bus was checked by the checking squad of the respondent and certain allegations were made against the petitioner. Therefore, charge-sheet was issued to the petitioner and departmental inquiry was held against him. Since the charges against the petitioner were proved, he was dismissed from service on 06.05.1991.

2.1 Feeling aggrieved by the said order, the petitioner raised an industrial dispute by way of a reference before the Labour Court, Bhavnagar. The Labour Court, Bhavnagar, by impugned order dated 02.08.1994 rejected the said reference preferred by the petitioner. Hence, this petition.

3.0 I have heard learned counsel for the parties and perused the documents placed on record. The petitioner workman was found guilty of a number of irregularities with regard to issuance of tickets, which were proved in the departmental inquiry held against him. Even in the past, the petitioner was dismissed from the service on 22.08.1989 for similar type of irregularities. The Labour Court has rightly rejected the reference of the petitioner considering the serious irregularities committed by him. In spite of the serious misconduct on the part of the petitioner, the Labour Court has converted the order of

dismissal into an order of retrenchment. I am in complete agreement with the reasonings given by the Labour Court in its impugned order and find no reason to interfere in this petition.

4.0 In above view of the matter, this petition is dismissed. However, if the order of the Labour Court, Bhavnagar, has not been implemented so far, the respondent Corporation is directed to implement the same within a period of two months from the receipt of writ of this order. Rule is discharged with no order as to costs.

(K. S. JHAVERI, J.)

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